



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, May 8, 2013

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Morris, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20130502 "Think Green Grant" to Keep Marietta Beautiful

Presentation of Waste Management gift of "Think Green Grant" from Vic Knight and Marla Prince to Keep Marietta Beautiful and North Marietta Neighborhood Community Garden.

PROCLAMATIONS:

20130513 National Public Works Week

Presentation of a Proclamation to Jim Wilgus, Public Works Engineer, proclaiming the week of May 19-25, 2013, as National Public Works Week and calling upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

20130474 Proclamation - Historic Preservation Month

Presentation of a Proclamation to David Freedman, recognizing May 2013 as Historic Preservation Month in the city of Marietta.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****20130510 Scheduled Appearance - Ms. Grimes, NAACP**

Speaking to council about the Lawrence Street Recreational Center

UNSCHEDULED APPEARANCES:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20130462 Regular Minutes - April 17, 2013**

Review and approval of the April 17, 2013 regular meeting minutes as amended.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

* **20130365 Z2013-15 TowerCom V, LLC 2141 Kingston Court**

Z2013-15 [SPECIAL LAND USE PERMIT - TELECOMMUNICATION TOWER] TOWERCOM V, LLC requests a Special Land Use Permit to construct a new telecommunication tower for property located in Land Lot 07260, District 17, Parcel 0140, 2nd Section, Marietta, Cobb County, Georgia and being known as 2141 Kingston Court, currently zoned LI (Light Industrial), with the Letter of Stipulations dated April 29, 2013, from David Kirk, Troutman Sanders, to Rusty Roth, Planning & Zoning Manager, as conditions of zoning. Ward 7.

The Planning Commission recommends approval as stipulated. Vote: 5 – 0 – 0

Motion: Mr. Diffley moved to accept the Special Land Use Permit, as written, seconded by Mr. Storey.

Stipulations: To include the Letter of Stipulations(Agreeable Conditions Relating to Tree Removal and Landscape Replacement) dated April 29, 2013 from David Kirk, Troutman Sanders, to Rusty Roth, Planning & Zoning Manager.

PUBLIC HEARING (All parties sworn in.)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20130514 Denial of Claim**

Denial of the Claim of Eric Krohn.

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

20130506 Public Hearing - Adoption of Modification of Urban Redevelopment Plan

Public Hearing regarding the adoption of a modification to the Urban Redevelopment Plan by the City of Marietta.

PUBLIC HEARING

* **20130516 Resolution to Adopt a Modification to the Urban Redevelopment Plan**

Approval of a Resolution of the City of Marietta adopting a modification to the Urban Redevelopment Plan.

20130435 Public Hearing - Possible Projects for the Urban Redevelopment Bond

Public Hearing regarding possible projects to implement using Urban Redevelopment Bond proceeds.

PUBLIC HEARING

2. Finance/Investment: Annette Lewis, Chairperson

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20130326 Amendment to the Marietta Zoning Ordinance, Section 712.05 AICUZ**

Motion to authorize advertisement of proposed amendments to Section 712.05 AICUZ, Air Installation Compatibility Use Zone Overlay District.

* **20130339 Election Contract - Board of Education**

Motion to approve the contract with the Marietta Board of Education relative to conducting the November 5, 2013 General Election and related expenses.

* **20130340 Call of the General Election for November 5, 2013**

An Ordinance to provide for the call of the General Election for the City of Marietta, Georgia; and to provide for the date for any runoff required where no candidate receives a majority of the votes cast.

* **20130431 LCI Contract Extension**

Motion to approve extension of the MU2LCI (Marietta University Enhancement District Livable Centers Initiative) contract from April 30, 2013 to June 30, 2013.

20130503 Amendment to Code Section 10-4-070, Drinking Prohibited

Approval of an amendment to Code Section 10-4-070, Drinking Prohibited to allow the sale and consumption of beer and wine in Atherton Square.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson

* **20130438 Merritt Park Improvements**

Motion authorizing the additional appropriation of \$22,762.59 of 2009 Park Bond Funds from Merritt Park line in Category B, Improvements to Existing Parks and Facilities, to complete Merritt Park Improvements as previously approved.

* **20130463 Lake Park Intergovernmental Agreement**

A motion approving the Intergovernmental Agreement with the Marietta Board of Education (BOE) for the use of Lake Park as to form and; authorizing the presentation of the agreement to the BOE for consideration and execution.

5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson

* **20130434 Marietta Redevelopment Corporation Board (MRC) Appointment**

Appointment of Hall Rigdon to the Marietta Redevelopment Corporation Board (MRC) Appointment for a two year term expiring on April 10, 2015.

* **20130452 Marietta Development Authority Appointments**

Reappointment Steven F. McNeel Post 1, Ed Hammock Post 2 (2-year terms), John J. Elliott, Jr. Post 4 (4-year term), Judy E. Renfroe Post 6 and Mike Henderson Post 7 (6-year terms) to the Marietta Development Authority.

* **20130467 WellStar Community Health Awareness Program**

Motion to approve a partnership with WellStar to create a wellness strategy for the Marietta community.

6. Public Safety Committee: Anthony Coleman, Chairperson

* **20130445 Standard Operating Procedures for the Marietta Police Department**

Motion to approve the following Standard Operating Procedures for the Marietta Police Department -A041 Organizational Structure; A044 Uniforms; A047 Internal Affairs; A054 Assignments; A060 Evidence & Property Maintenance; A073 Building Security; A085 Promotions; A090 Court Procedures; C022 SRO Program; E015 Emergency Operations; P010 Patrol Operations; P042 Roadblocks

7. Public Works Committee: Jim King, Chairperson

* **20130424 Traffic Calming**

Motion to authorize staff to remove all temporary / test speed humps and replace them with permanent devices.

Council member Goldstein voting against.

20130504 Traffic Calming

Motion to install four radar speed signs on Ector Chase. City of Marietta to fund \$1,000.00 per radar speed sign. Barrett Green Homeowner's Association to fund remainder. The project shall be completed in the current budget year.

* **20130086 Crosswalk on Whitcher Street**

Motion authorizing Public Works to install a mid-block pedestrian crossing over Whitcher Street between the Wellstar MOB Center and the main Wellstar Campus. The exact location and configuration of the mid-block pedestrian crossing is to be determined by Public Works. Further to accept the donation of funds to install flashing beacons or other devices.

* **20130425 GDOT Right of Way Contract**

Motion to approve a contract with the Georgia Department of Transportation (GDOT) for the Acquisition of Right of way for the Franklin Road LCI Project.

* **20130426 Cobb County Sub-grant Agreement**

Motion to approve Amendment 1 of the Cooperative Subgrant Agreement with Cobb County for the construction of sidewalks and pedestrian improvements along Powder Springs Street between Bellemeade Drive and County Services Parkway.

* **20130505 Funding City-County Coop/SubGrant Agreement**

Motion to approve amending the FY2013 Budget in the amount of \$800,000 towards constructing sidewalks and pedestrian improvements in compliance with FTA grant funding

* **20130427 No Parking, Stopping or Standing Zone**

Motion to install "No Parking or Standing" signs along the frontage of 1355 and 1339 Canton Road.

* **20130429 89 Maple Avenue**

Motion to authorize staff to proceed with the Maple Avenue SPLOST drainage project. The project shall be completed in the current calendar year.

* **20130430 Kennestone Hospice Sign**

Motion to approve a Revocable Easement Agreement to allow WellStar Hospice to install a monument sign at the intersection of Kennesaw Avenue and Dickson Avenue.

APPEARANCES:

OTHER BUSINESS:

* **20130517 City Council Committee Meetings**

Motion to change the date of the Thursday, June 27, 2013 City Council Committee Meetings to Wednesday, June 26, 2013 to be held at the regular time 5:15 p.m.

* **20130518 330 Roselane Street and 338 Roselane Street**

Motion authorizing acquisition of the property at 330 Roselane Street & 338 Roselane Street from BRB Holdings, LLLP for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$30,526.00 and is inclusive of fence, relocation of the dumpster and parking, and site improvements.

* **20130519 277 South Marietta Parkway**

Motion authorizing acquisition of the property at 277 South Marietta Parkway from Douce Lulu, LLC for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$52,425.00.

Council member Goldstein abstaining.

* **20130520 611 South Marietta Parkway**

Motion authorizing the acquisition of the necessary right-of-way and easements at 611 S. Marietta Parkway from Parkwon, Inc. for the purpose of constructing the South Marietta Pkwy Sidewalk Project in exchange for \$8,770.00.

* **20130521 22 Polk Street**

Motion authorizing acquisition of the property at 22 Polk Street from Saint James Episcopal Church for the purpose of constructing the Kennesaw Mountain to Chattahoochee River Trail - North & In-town Section in exchange for \$7,500.00 with stipulations for the temporary construction easement and City construction of cost-to-cure items as part of the construction plans for the project.

1. In order to access the requested easement you must take down an existing fence which separates our property from the railroad right of way; the removal of this fence was not addressed in your original proposal and will be replaced as set forth in the next item;
2. As part of the project, you will replace the existing fence, and add to its length, to provide a fenced barrier between the proposed trail and our property, and between the proposed trail and the property of the First Presbyterian Church, a length from Polk Street to Kennesaw Avenue; the fence will be of the wrought iron design set forth in the plans you showed us and similar to the existing wrought iron fencing on the opposite side of the railroad tracks between Polk Street and Mill Street behind the shops and offices in downtown Marietta.
3. The length of time specified for the "TEMPORARY EASEMENT" set forth in your proposal is "limited to the period required for the construction of said project and upon completion and acceptance of same by the Department of Transportation from the contractor, said TEMPORARY EASEMENT will terminate;" we understand and confirm from our discussions with you that the expected duration of the work will be less than one year from beginning date; but if a longer period of time proves necessary, a review and re-issuance of this agreement granting this temporary easement will be considered by the parties on or after one year from the date our property is first accessed under this temporary easement.
4. Our property and parking areas - outside the area described in this temporary easement may not be used for the purpose of parking vehicles, leaving or storing tools or materials, marshaling work or work activities, etc., without separate written permission; that consent is not specified or implied in this agreement.

* **20130464 BLW Actions of the May 6, 2013, meeting.**

Review and approval of the May 6, 2013 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: